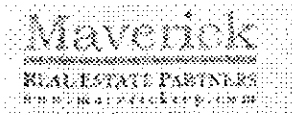


## **Exhibit 23**



Aviram, David <daviram@maverickrep.com>

## FW: DAB Recent Advance

Gordon, Bruce <bgordon@brooklynbank.com>  
To: David Aviram <daviram@maverickrep.com>

Wed, Mar 23, 2011 at 3:05 PM

FYI

Bruce B. Gordon

Consultant to Brooklyn Federal Savings Bank

78 Livingston Street, 6th Floor

Brooklyn, New York 11201

Telephone: 718-855-8500 ext 1139

Cell phone: 914-953-4596

**From:** Maher, Richard

**Sent:** Wednesday, March 23, 2011 3:04 PM

**To:** David Kriss

**Cc:** Loan Workout

**Subject:** FW: DAB Recent Advance

Richard T. Maher

Vice President, Commercial Loan Officer

Brooklyn Federal Savings Bank

78 Livingston Street

Brooklyn, NY 11201

(718) 855-8500 ext 1132

fax (718) 855-0114

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please immediately notify the sender listed above or by replying to this e-mail and delete the message and any attachment(s) from your system. Thank you.

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**From:** chip [mailto:[chip@flintlockllc.com](mailto:chip@flintlockllc.com)]  
**Sent:** Thursday, March 03, 2011 3:21 PM  
**To:** Maher, Richard; ben zhavi; [Nickzagami@aol.com](mailto:Nickzagami@aol.com)  
**Cc:** CommercialDept; Loan Workout; Sushil Patel; Chris Koch, P.E.; andrew  
**Subject:** RE: DAB Recent Advance

All,

Regarding the below, Richard Maher asked me to talk to Ben to see whether the check Flintlock is holding can now be deposited. I have spoken with Ben within the last 10 minutes. He told me that the check can still not be deposited as there are insufficient funds to cover said check. Therefore, a portion of requisition 7 remains unpaid and Flintlock will be forced to issue another notice of intent to stop the Work shortly.

Chip Weiss

Flintlock Construction Services

Cell# [914-263-1089](tel:914-263-1089)

---

**From:** Maher, Richard [mailto:[rmaher@brooklynbank.com](mailto:rmaher@brooklynbank.com)]  
**Sent:** Thursday, March 03, 2011 3:12 PM  
**To:** Maher, Richard; ben zhavi; [Nickzagami@aol.com](mailto:Nickzagami@aol.com)  
**Cc:** CommercialDept; Loan Workout; Sushil Patel; Chris Koch, P.E.  
**Subject:** RE: DAB Recent Advance

Ben:

I just revifed with Flintlock that they deposited the Check for \$485,000 and he paid subcontractors. He also informed me that he issued a lien waiver for the \$485K to DAB Group and Chris Koch. According to our conversation today, you are going to contact Chip Weiss of Flintlock and inform him to cash the check of \$55,000 and he will issue another lien waiver.

Call me if you have any questions.

Richard T. Maher

Vice President, Commercial Loan Officer

Brooklyn Federal Savings Bank

78 Livingston Street

Brooklyn, NY 11201

(718) 855-8500 ext 1132

fax (718) 855-0114

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---

**From:** Maher, Richard

**Sent:** Thursday, March 03, 2011 11:29 AM

**To:** 'ben zhavi'; 'Nickzagami@aol.com'

**Cc:** CommercialDept; Loan Workout; 'Sushil Patel'; Chris Koch, P.E.

**Subject:** DAB Recent Advance

Ben:

On February 16, 2011 Brooklyn Federal Savings Bank advanced \$539,995.39 to DAB for approved Hard Cost work in place. On 2/24/11 Flintlock received two checks from you, one for \$485,000 and a separate check in the amount of \$55,000, which he informs us he was told not to cash. I just finished speaking to C. Weiss of Flintlock and he informed me that he is still under instruction from you to not cash this check. Chip informed me that he still has financial obligations to satisfy with subcontractors. He informed me that he will be sending a notice to "Stop the Job" because of your failure to pay him.

This is misuse of funds and potential violations of the law. You are not helping yourself and you are in breach of the loan agreement. Please call me to immediately resolve the foregoing.

This email is without prejudice to, and fully and specifically reserves, any and all of the rights and remedies of the Lender, at law and otherwise and shall not be deemed a waiver of any default, whether now or hereafter existing, and the Lender hereby reserves all of its right and remedies with respect to any and all such defaults.

Richard T. Maher

Vice President, Commercial Loan Officer

Brooklyn Federal Savings Bank

78 Livingston Street

Brooklyn, NY 11201

(718) 855-8500 ext 1132

fax (718) 855-0114

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(20110303) \_\_\_\_\_

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(20110323) \_\_\_\_\_

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